IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6402 of 1993
With
SPECIAL CIVIL APPLICATION No. 5090 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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FOOD CORPORATION OF INDIA - Petitioner(s)

Versus

DIVISIONAL COMMERCIAL MANAGER & 1 - Respondent(s)

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Appearance :
SERVED BY AFFIX.(N) for Petitioner(s) : 1,MR HM BHAGAT for Petitioner(s) : 1,
MR JJ YAJNIK for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 25/11/2005

COMMON ORAL JUDGMENT

1.In both these petitions, the respective petitioners have prayed for an appropriate writ, direction or order to quash and set aside the action of the respondent

authorities of consistently giving the placement of wagons to the petitioners on non-operatable, unworkable and dismantled platform i.e. TP 3 siding at Viramgam as being illegal and arbitrary.

2. Shri Baiju Joshi, learned advocate appearing on behalf of the petitioners has submitted that during the pendency of the present Special Civil Applications some further orders came to be passed by the Railway Authorities which came to be challenged by the petitioners being Special Civil Application No.2098 of 1995 and in which the interim relief came to be granted, which was, subsequently, vacated against which Letters Patent Appeal No.106 of 1995 was filed.

3. In view of the subsequent development and further orders passed by the Railway Authorities which is challenged by the petitioners being Special Civil Application No.2098 of 1995, these Special Civil Applications are disposed of as having become infructuous, without deciding anything on merits of the case and without affecting the rights of the petitioners in the Special Civil Application No.2098 of 1995.

4.Rule discharged. Ad-interim relief, if any, stands vacated forthwith.

(M.R.SHAH, J.)

kdc.